

**The Regular Meeting of the  
Brian Head Town Council  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
TUESDAY, JANUARY 14, 2014 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H.C. Deutschlander, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member Jim Ortler, Council Member Reece Wilson.

**Staff Present:** Bret Howser, Nancy Leigh, Wendy Dowland, Cecilia Johnson, Brad Benson

**A. CALL TO ORDER**

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

**C. INTRODUCTION OF NEW COUNCIL MEMBER(S)**

Mayor Deutschlander introduced new Council Member, Reece Wilson. Council Member Wilson took office as of January 1<sup>st</sup> along with Council Member Calloway and himself for a term of four years.

Council Member Wilson commented that he is glad to have the opportunity to be serving as a Council Member and looks forward to working with the public and his fellow Council Members for the betterment of Brain Head.

Council Member Calloway reported his is glad to be elected as a member of the Town Council and will give his best efforts to the town.

**D. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

**E. APPROVAL OF THE MINUTES:** December 9, 2013 Town Council Minutes

**Motion:** Council Member Ortler moved to approve the December 9, 2013 Town Council minutes. Council Member Calloway seconded the motion.

**Action:** **Motion carried 4-0-1(summary: Yes = 4, No = 0, Abstain = 1 Vote: Yes:** Mayor Deutschlander, Council Member Calloway, Council Member Ortler, Council Member Wilson. **Abstain:** Council Member Freeberg).

**F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

**Nancy Leigh, Town Clerk,** reported the Utah Local Government Trust will be holding an elected officials webinar on January 16, 2013 at 1:00 pm. Those interested in registering for the webinar please contact Nancy.

**Council Member Ortler** reported the Utah League of Cities and Towns will be hosting the annual Local Officials Day at the Legislature in January. Council Member Ortler reported that traditionally Brian Head has representation at this event and the Mayor and himself will be attending this year. Council Member Ortler encouraged the Council to attend.

**Mayor Deutschlander**

1. Utah Department of Transportation (UDOT) is slated to reconstruct highway 143 from mile post 12 to the north gate of Cedar Breaks Monument this upcoming summer season. UDOT has also slated the 2015 year to improve highway 143 from mile post 12 heading north to the north entrance of Parowan City. They will be rotomilling the asphalt and repaving the highway as part of the improvements.
2. Senator Vickers and Representative Westwood were present for the Iron County Coordinating Council meeting. One topic of discussion was the project funding. The Southwest Applied Technical College received a high priority for

funding for another building due to the expansion of business jets in Cedar City. With the addition, the facility will allow for 150 additional students.

3. UDOT will be starting with construction on the Cedar City south interchange. Mayor Deutschlander encouraged the public to consider alternate routes during the construction of the interchange.
4. Senator Vickers is in the process of establishing a wildland fire fund to assist municipalities. Currently when wildland fire enters into the city boundaries, the city is responsible for the expense of that fire. This fund would assist municipalities with the expenses of wildland fire.

#### **Council Member Freeberg**

1. Inquired as to where UDOT will be storing the asphalt that will be rotmilled off the highway projects and if it could be possible for them to dispose of it in the town pit for storage. This could give the town the opportunity to purchase some of the millings. Mayor Deutschlander reported it would depend if the contract identified federal funds, if it does, then the contractor would be responsible for the disposal of the asphalt.
2. Over 800 Boy Scouts held their annual snow derby this last weekend. The Boy Scouts' camp site was located at the Navajo Lodge parking area. Council Member Freeberg complemented the resort and town on the efforts to assist the Boy Scouts.

**Officer Brad Benson** reported he will be representing Chief Benson today since Chief Benson is unable to attend the meeting.

**Julie Saemisch, Visitor Center Volunteer**, presented a report on the visitor center activities:

- a) The visitor center currently has three to four volunteers who staff the center on Saturday's and holidays for four hours.
- b) Over the past year 1,200 visitors have signed in the guest sheet, there are many others that have visited the center without signing in.
- c) The visitor center is funded with a grant from the Iron County Tourism Bureau.
- d) Ms. Saemisch reported she also hosts a radio talk show on Cheery Creek radio twice a month. The town has participated in the funding of the radio show and Ms. Saemisch requested the town continue their support of the radio show. Currently, Brian Head, Parowan Cedar City Tourism Bureau are the entities are participating in the funding for the show. She will be meeting with Maria Twitchell later today to discuss options on the radio show.
- e) Bob Whitelaw, Alpine Lodging owner, commented he would like to also participate in the meeting with the Iron County Tourism to discuss options.
- f) The visitor center has a sandwich board which advertises the visitor center being open. Due to the town's sign code which prohibits sandwich board signs, they are unable to use the sign to attract visitors. Ms. Saemisch requested the Council to give direction to the Planning Commission on the issue of sandwich board signs. Ms. Saemisch stated she believes the sign creates more business for the town since it attracts the guests to the visitor center where the volunteer is able to give out information on the businesses. Ms. Saemisch explained she would like direction and approval from the Council to put the sign out and to work with the Town Manager on this issue. Council Member Ortler commented that that enforcing the sandwich board regulations should not be so restrictive. Council Member Calloway commented that Ms. Saemisch should work with staff to find a way. Staff will research and report back to the Council.

**Alice Matteson, Receptionist**, presented a thank you letter from Ms. Skougard's class at Parowan elementary. The letter is thanking the town for opening up the peak road and allowing them to have lunch at the fire station.

## **G. AGENDA TOPICS:**

### **1. IRON COUNTY EMERGENCY MANAGEMENT PRESENTATION.** A presentation to the Council on the Iron County Emergency Management program.

Ms. Marie Brooks, Coordinator for the Iron County Emergency Management (ICEM) gave a brief history of the ICEM and the purpose for the program. Ms. Brooks then presented a power point presentation explaining the role of the Iron County Emergency Management program (see attached). Ms. Brooks explained the reverse 911 system which also allows cell phone owners to register for reverse 911. Those interested can logon to [www.ironcounty.net](http://www.ironcounty.net) and register their cell phones for this service.

Ms. Brooks explained her role is to coordinate resources not only with the county but with each community in Iron County. She will be working with Brian Head on the town's emergency management plan and any revisions which the town may want to consider. Council Member Ortler commented he would like to see the town's current emergency plan be revised to identify specific types of disasters.

The Council thanked Ms. Brooks for her presentation.

**2. PLANNING COMMISSION MEMBER APPOINTMENT.** Re-appointment of Carrie Dever as Planning Commission Member.

**Bret Howser, Town Manager**, explained Planning Commissioner Carrie Dever's term ended December 31, 2013. He is recommending the Council give their advice and consent to the re-appointment of Carrie Dever to the Planning Commission.

**Motion:** Council Member Calloway moved to consent to the appointment of Carrie Dever to the Planning Commission for a term of five year. Council Member Ortler seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).

**3. CRITICAL INCIDENT TASK FORCE AGREEMENT.** An agreement for the Critical Incident Taskforce.

Officer Brad Benson presented a Memorandum of Understanding for the Iron County Critical Incident Task Force Response. Officer Benson explained this agreement would allow the county to use one of Brian Head's officers during an investigation. Council Member Ortler inquired as to the supervisor title identified in the agreement since it does not identify who the supervisor is in the agreement. Officer Benson explained he believes the County Attorney is the supervisor, but will verify. Council inquired if this agreement has been reviewed by the town attorney. Bret explained this agreement is a standard agreement and in an effort to not exceed the budget, the staff has been instructed not to send annual agreements to the attorney for review.

**Motion:** Council Member Ortler moved to approve the Iron County Critical Taskforce Memorandum of Understanding as presented and authorize the Town Manager to sign the agreement. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).

**4. BUDGET UPDATE DISCUSSION.**

Bret Howser, Town Manager, presented a new budget monitoring spreadsheet (see attached). Bret explained this spreadsheet will replace the current monthly financial reports. The spreadsheet identifies a year to date in categories, looks at the previous five years and creates a percentage along with a projection in the budget lines.

The Council held discussion on the following:

1. The model has multiple years of data and defaults to the summarized sheet.
2. This spreadsheet can be presented to the public and a tool used by the Council.
3. Taxes are accrued back to the month/quarter in which they were collected for and not the month the payment was received.
4. The projection is identified for categories and not individual line items.
5. Staff will be working on an app for the ipads that will be compatible with the spreadsheet.
6. The personnel budgets do not use historical patterns, but will be using the budget instead.
7. Staff will email the budget monitoring spreadsheet to the Council for their review.

**5. RESOLUTION ADOPTING THE CONSOLIDATED FEE SCHEDULE.** The Consolidated Fee Schedule

Nancy Leigh, Town Clerk, presented a draft resolution adopting the Consolidated Fee Schedule. Nancy explained during the last Council meeting, the Council directed staff to identify a change in the commercial water allotment from 5,000 gallons to 10,000 gallons in the base rate for commercial businesses.

The Council held discussion on the following:

1. Council Member Ortler recommended a change in the fee schedule to modify the language identifying the meter sizes and costs. Delete "1 ½" and larger" to READ AS "Larger than ¾" to clarify the language.

2. Wendy Dowland, Public Works Assistant, explained the \$350.00 fee identified in the Larger than 1 ½" meter section is for an inspection only because the contractor is responsible for purchasing the meter for commercials. The residential meter cost of \$1,500 includes the meter, vault and barrel and installation by the town.
3. Staff will modify the language identified for residential water allotment and commercial water allotment to be consistent with each other.

**Motion:** Council Member Ortler moved to adopt Resolution No. 432, a resolution adopting the Consolidated Fee Schedule with the following modifications: 1) commercial water allotment will be 10,000 gallons of water included in the base rate. 2) Delete Meter size "1 ½ and larger" and replace with "Larger than ¾". Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).

## 6. BRIAN HEAD RESERVOIR DISCUSSION. A discussion on the reservoir project.

Bret Howser, Town Manager, explained this agenda item is a request from the Council on the status of the reservoir project. Bret reported staff has received questions from the Council regarding the project and those have been answered in the staff report submitted in the Council's packet.

Chet Hovey, Town Engineer, addressed the Council on the cost of the reservoir including the cost of the transfer of water rights. The contract has a remaining amount of \$565,000 on the project. One issue the project has faced has been a slide on the west side of the reservoir and the efforts to stabilize the west side.

The Council held discussion on the following:

1. If grading is remaining, where is the soil going to be placed and if the town can work with the resort on the disposal of the dirt. Staff will follow up with the resort on this issue, but will wait until the geo tech engineers have submitted their recommendations before any grading will take place.
2. The ramifications of not meeting the 45 acre feet of water which is identified in the Parowan Irrigation Company agreement with the town. Currently the reservoir holds 40 acre feet but there is work left to be completed on the south side of the reservoir.
3. Currently the town leases water from Parowan Irrigation and whether the town should review the Parowan Irrigation agreement for future negotiations.
4. The requirements for the state fish hatchery and if the reservoir meets those requirements. Chet responded there is sufficient depth to support the fish, but it will be approximately a year before the fish are released since the habitation will need to be established first.
5. Whether filling the reservoir will stabilize the area depends on the type of failure that took place with the slide.
6. Changes to the reservoir that will be presented to the Council in the near future and what areas may not be completed according to the contract:
  - a) Some of the armor coat was buried with the slide and there is a difference of opinion on this item. Staff has spoken to the contractor about stripping some of the armor coat, but due to the soft soil there was a problem in accessing it. The geo tech recommended that the armor coat stay for stabilization purposes. Council will need to decide on whether to continue with the armor coat. Staff is estimating the cost will be approximately \$10,000 to \$15,000 and the contract is projecting it may cost \$20,000 to \$30,000. Staff will continue to work with the contractor on costs.
  - b) A small portion of the walking trail was removed and will be replaced in the spring.
  - c) The Council will need to give direction on the road crack in highway 143. This could depend on whether UDOT reconstructs the highway this summer as projected. The highway is part of their infrastructure.
7. There was a claim that the fishing dock had moved with the slide and in surveying the dock area, it was determined it moved ½". Since it is a concrete structure, it does not affect it.
8. In March or April staff will meet with the geo tech engineering along with the resort to begin discussions on what needs to be done for the south end of the reservoir.
9. Discussion on the re-vegetation and the landscaping were discussed. Staff will review the cost of hydro seeding vs. throwing the seed along with ensuring the trees that are planted are native to the area.
10. Two different types of slide were discussed; a rotational slide and a block slide. Chet explained the difference in the two slides. Since there are no cracks going back to the reservoir, it is believed that it was a block failure slide at this time.
11. The cost does not include the town's personnel or equipment. Staff is tracking those costs internally including what the town has paid for the geo tech engineer.

12. The bore holes were discussed and if there was any indication from any of the bore holes that may have indicated a layer of sand. Chet explained there was a small layer of sand, but GEM Engineering did address the sand layer in the original report and there were no red flags with the bore holes. Staff can have GEM Engineering address it to the Council if desired.
13. Council Member Calloway inquired what the town will do about changing the slope and the impact on the resort's property and if an agreement should be considered.
14. The contractor will re-vegetate and will refill all of the resort's property that is adjacent to the haul roads that were used to access the project. There are approximately 20 acres designated for re-vegetation. The resort has been working with the contractor.
15. Bret reported the resort's representatives were present when the decision was made to start adjusting the slope in the area and that decision was made based on what was there at the time. The town has been working in conjunction with the resort from the beginning.
16. The cost for the inclinometer was discussed. The cost was higher than anticipated and does not include any monitoring. Staff will review this item and bring back to Council for a decision.

**H. CLOSED SESSION OF THE TOWN COUNCIL.** A strategy session to discuss pending or reasonably imminent litigation

**Motion:** Council member Calloway moved to enter into closed session to discuss pending or reasonably imminent litigation. Council Member Freeberg seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).**

Council entered into closed session at 3:45 pm.

**Motion:** Council Member Calloway moved to adjourn from closed session and reconvene the regular meeting of the Town Council. Council Member Ortler seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).**

The regular meeting of the Brian Head Town Council was reconvened at 4:34 pm.

**I. ADJOURNMENT**

**Motion:** Council Member Ortler moved to adjourn the regular meeting of the Brian Head Town Council for January 14, 2014. Council Member Calloway seconded the motion.

**Action:** **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Freeberg, Council Member Calloway, Council Member Ortler, Council Member Wilson).**

The regular meeting of the Brian Head Town Council was adjourned at 4:35 pm for January 14, 2014.

January 28, 2014

Date Approved

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Nancy Leigh, Town Clerk